

AMENDED IN SENATE AUGUST 24, 2011

AMENDED IN SENATE JULY 12, 2011

AMENDED IN SENATE JUNE 21, 2011

AMENDED IN ASSEMBLY APRIL 25, 2011

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 585

Introduced by Assembly Member Fong
(Principal coauthor: Assembly Member Portantino)
(Principal coauthor: Senator Alquist)
(Coauthors: Senators ~~Leno and Lieu~~ *Leno, Lieu, and Liu*)

February 16, 2011

An act to amend Section 3212.1 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 585, as amended, Fong. Workers' compensation: cancer presumption.

Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of his or her employment. Existing law provides that in the case of active firefighting members of certain fire departments and in the case of certain peace officers, a compensable injury includes cancer that develops or manifests itself during the period when the firefighter or peace officer demonstrates that he or she was exposed while in the

service of the public agency to a known carcinogen, as defined. Existing law establishes a presumption that the cancer in these cases arose out of, and in the course of, employment, unless the presumption is controverted by evidence that the primary site of the cancer has been established and that the carcinogen to which the member has demonstrated exposure is not reasonably linked to the disabling cancer.

This bill would extend this presumption to active firefighting members of a fire department serving a National Aeronautics and Space Administration installation who adhere to specified training standards.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3212.1 of the Labor Code is amended to
2 read:
3 3212.1. (a) This section applies to all of the following:
4 (1) Active firefighting members, whether volunteers, partly
5 paid, or fully paid, of all of the following fire departments:
6 (A) A fire department of a city, county, city and county, district,
7 or other public or municipal corporation or political subdivision.
8 (B) A fire department of the University of California and the
9 California State University.
10 (C) The Department of Forestry and Fire Protection.
11 (D) A county forestry or firefighting department or unit.
12 (2) Active firefighting members of a fire department that serves
13 a United States Department of Defense installation and who are
14 certified by the Department of Defense as meeting its standards
15 for firefighters.
16 (3) Active firefighting members of a fire department that serves
17 a National Aeronautics and Space Administration installation and
18 who adhere to training standards established in accordance with
19 Article 4 (commencing with Section 13155) of Chapter 1 of Part
20 2 of Division 12 of the Health and Safety Code.
21 (4) Peace officers, as defined in Section 830.1, subdivision (a)
22 of Section 830.2, and subdivisions (a) and (b) of Section 830.37,
23 of the Penal Code, who are primarily engaged in active law
24 enforcement activities.
25 (5) (A) Fire and rescue services coordinators who work for the
26 Office of Emergency Services.

1 (B) For purposes of this paragraph, “fire and rescue services
2 ~~coordinator” means a coordinator~~ *coordinators*” means
3 *coordinators* with any of the following job classifications:
4 coordinator, senior coordinator, or chief coordinator.

5 (b) The term “injury,” as used in this division, includes cancer,
6 including leukemia, that develops or manifests itself during a period
7 in which any member described in subdivision (a) is in the service
8 of the department or unit, if the member demonstrates that he or
9 she was exposed, while in the service of the department or unit,
10 to a known carcinogen as defined by the International Agency for
11 Research on Cancer, or as defined by the director.

12 (c) The compensation that is awarded for cancer shall include
13 full hospital, surgical, medical treatment, disability indemnity, and
14 death benefits, as provided by this division.

15 (d) The cancer so developing or manifesting itself in these cases
16 shall be presumed to arise out of and in the course of the
17 employment. This presumption is disputable and may be
18 controverted by evidence that the primary site of the cancer has
19 been established and that the carcinogen to which the member has
20 demonstrated exposure is not reasonably linked to the disabling
21 cancer. Unless so controverted, the appeals board is bound to find
22 in accordance with the presumption. This presumption shall be
23 extended to a member following termination of service for a period
24 of three calendar months for each full year of the requisite service,
25 but not to exceed 120 months in any circumstance, commencing
26 with the last date actually worked in the specified capacity.

27 (e) The amendments to this section enacted during the 1999
28 portion of the 1999–2000 Regular Session shall be applied to
29 claims for benefits filed or pending on or after January 1, 1997,
30 including, but not limited to, claims for benefits filed on or after
31 that date that have previously been denied, or that are being
32 appealed following denial.

33 (f) This section shall be known, and may be cited, as the William
34 Dallas Jones Cancer Presumption Act of 2010.